

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
	)	
W.R. GRACE & Co., et al.,	)	Case No. 01-01139 (JKF)
	)	Jointly Administered
Debtor.	)	Re: Docket Nos. 13061, 13843 and 13885
	)	
	)	
	)	Hearing Date December 18, 2006

**NOTICE OF WITHDRAWAL OF OBJECTION OF BRAYTON❖PURCELL LLP TO  
NOTIFICATION THAT THE DEBTOR IS CONTESTING CERTAIN PRE-PETITION  
SETTLED CLAIMS**

1. On October 11 and 12, 2006 certain claimants represented by Brayton❖Purcell LLP, (Brayton❖Purcell) listed on Exhibit A, submitted their proof of claim forms and supporting evidence to the Debtor's agent, Rust Consulting, pursuant to the Court's August 24, 2006 Order (Docket No. 13061). All 110 had pre-petition settlements with Debtor.

2. On November 6, 2006 Debtor's counsel notified claimants' counsel in a letter that the claims were being contested because "Claimants did not provide signed release forms" and "Therefore, in accordance with the August 24, 2006 Order as to All Pre-Petition Asbestos PI Litigation Claims, the Debtors dispute and contest the purported settlements for these claims..."

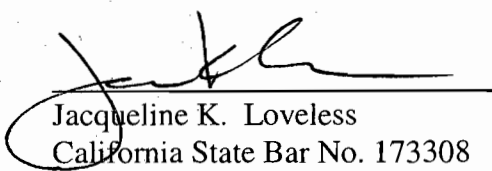
3. On November 29, 2006 these claimants filed "Objection of Brayton❖Purcell LLP to Notification That the Debtor Is Contesting Certain Pre-petition Settled Claims" (Docket No. 13843) disputing the categorization of these claims as unsettled.

4. On December 1, 2006, Debtor filed its "Brief Regarding Settled Pre-Petition Asbestos PI Claims" (Docket No. 13885). Within that document Debtor stated that Grace has located Releases for the 110 disputed claims and that "Grace no longer contests any of the claims that Brayton❖Purcell submitted as Settled Pre-Petition Asbestos PI Claims." (Page 5 at footnote 2).

5. Having received confirmation from the Debtor that it does in fact no longer object to the Brayton❖Purcell claims, and based upon the representations of its counsel, Brayton❖Purcell agrees that the Objection filed is moot in all respects. Accordingly, Brayton❖Purcell hereby withdraws the Objection.

Dated: 12/5/06

Respectfully Submitted,  
Brayton❖Purcell, LLP



Jacqueline K. Loveless  
California State Bar No. 173308  
Brayton❖Purcell, LLP  
222 Rush Landing Road  
Novato, CA 94948  
PH: (415) 898-1555  
FAX: (415) 898-1247

Counsel for Certain Claimants Represented  
by Brayton❖Purcell LLP

**EXHIBIT A**

**Exhibit A to November 4, 2006 Letter to Brayton & Purcell**

Creditor Name	Law Firm Name	Creditor SSN Last 4 Digits
Anderson, Claude	Brayton & Purcell	2550
Baker, Cecil	Brayton & Purcell	3251
Bell, Rodney	Brayton & Purcell	1738
Benedict, Donald G	Brayton & Purcell	9608
Bonomi, Mike	Brayton & Purcell	9102
Buna, Joseph	Brayton & Purcell	5645
Chisum, Grover	Brayton & Purcell	2342
Clifton, Harmon	Brayton & Purcell	7506
Climons, David	Brayton & Purcell	5951
Collins, Thomas	Brayton & Purcell	4510
Cook, Charles J	Brayton & Purcell	8276
Correia, Manuel	Brayton & Purcell	0169
Cox, Rollen	Brayton & Purcell	0226
Daubin, Archie	Brayton & Purcell	4952
Daugherty, Jerry	Brayton & Purcell	6174
Dawson, Delree	Brayton & Purcell	3084
Dean, Albert	Brayton & Purcell	9184
Dekens, Raymond S	Brayton & Purcell	4571
Duran, Paul	Brayton & Purcell	6232
Efstratios, Sr., James	Brayton & Purcell	7955
Ellington, Steve	Brayton & Purcell	7707
Estes, Bill G	Brayton & Purcell	8076
Evans, Larry	Brayton & Purcell	9651
Evans, Sharon	Brayton & Purcell	9929

EXHIBIT A

Faison, Billy	Brayton & Purcell	5685
Fernandez, Manuel	Brayton & Purcell	N/P
Fisher, Clinton	Brayton & Purcell	9085
Foti, Ferenc	Brayton & Purcell	1119
Fox, James	Brayton & Purcell	4962
Frank, Michael	Brayton & Purcell	1850
Franz, Vicky	Brayton & Purcell	2854
Freeman, Henry	Brayton & Purcell	1203
French, Linton	Brayton & Purcell	0403
Garrett, Mary	Brayton & Purcell	2209
Goettsch, James	Brayton & Purcell	7320
Graham, Delaney	Brayton & Purcell	5160
Green, Hobby	Brayton & Purcell	6334
Green, Joseph	Brayton & Purcell	8293
Green, Jr., William	Brayton & Purcell	3580
Harden, Jr., Samuel	Brayton & Purcell	9987
Hawkins, Neville	Brayton & Purcell	9948
Hettenbach, Harry	Brayton & Purcell	8227
Hickman, Wilbert	Brayton & Purcell	0135
Hodges, Roland O	Brayton & Purcell	4643
Hudson, Bruce	Brayton & Purcell	5493
Jernigan, James T	Brayton & Purcell	8229
Kish, Jack	Brayton & Purcell	9953
Lambert, Robert	Brayton & Purcell	2430
Leithold, Jr., Albert	Brayton & Purcell	5956
Little, Richard P	Brayton & Purcell	2646

Mannering, John	Brayton & Purcell	9971
Manning, Ruphane	Brayton & Purcell	3499
Martin, Cecil	Brayton & Purcell	3000
McClain, Richard	Brayton & Purcell	8843
McClary, Billy J	Brayton & Purcell	6890
McDougall, John	Brayton & Purcell	0597
Mecchi, Andrew	Brayton & Purcell	1866
Mendoza, Theodore	Brayton & Purcell	2717
Milan, Salvadore	Brayton & Purcell	5383
Millonzi, Charles	Brayton & Purcell	4189
Mitchell, Freddie	Brayton & Purcell	0741
<del>Mooney</del> Moore, Jesse	Brayton & Purcell	3470
Neal, James	Brayton & Purcell	2131
Nevitt, Alan F	Brayton & Purcell	3168
Page, Donald R	Brayton & Purcell	7184
Perry, Kermit	Brayton & Purcell	6318
Pimental, Charles	Brayton & Purcell	7758
Ramsey, Carl	Brayton & Purcell	5469
Richardson, Claude	Brayton & Purcell	7109
Sager, Elwood Manley	Brayton & Purcell	9140
Simms, Harold	Brayton & Purcell	6945
Smith, Bernard	Brayton & Purcell	1438
Solorzano, Albert P	Brayton & Purcell	4208
Steadman, Raymond	Brayton & Purcell	8924
Stearns, Benjamin	Brayton & Purcell	0283

Stewart, John	Brayton & Purcell	1925
Stmary, Jr., Arsene	Brayton & Purcell	0148
Stratton, Donald	Brayton & Purcell	4533
Suitor, John D	Brayton & Purcell	3283
Suitor, Richard D	Brayton & Purcell	8160
Suitor, Sr. Valcour C	Brayton & Purcell	6785
Swanson, Melvin	Brayton & Purcell	6865
Talbert, Lorraine	Brayton & Purcell	9012
Thomas, John	Brayton & Purcell	3056
Treadway, Charles	Brayton & Purcell	3486
Vella, Peter A	Brayton & Purcell	8098
Vigil, Richard A	Brayton & Purcell	2452
Walker, Raymond	Brayton & Purcell	7472
Wasso, Gus	Brayton & Purcell	7065
Wildoner, Robert	Brayton & Purcell	3605
Williams, Leonard	Brayton & Purcell	1076
Wisecarver, Lewis	Brayton & Purcell	6825
Woods, Herbert	Brayton & Purcell	9300
Woods, Patrick	Brayton & Purcell	0088
Yandell, Tommy	Brayton & Purcell	1527
Benter, George (dec.)	Brayton & Purcell	2957
Cochran, Lawrence (dec.)	Brayton & Purcell	4069
Cosio, Armando (dec.)	Brayton & Purcell	4844
Cramer, Kenneth (dec.)	Brayton & Purcell	6591

Cullins, Ernest	Brayton & Purcell	0899
Davis, Hurley (dec.)	Brayton & Purcell	9259
Eastman, Carlyle (dec.)	Brayton & Purcell	1682
Foster, Billie	Brayton & Purcell	4994
Gaston, Monroe (dec.)	Brayton & Purcell	5655
Ham, Harold	Brayton & Purcell	4776
Johnson, Allen (dec.)	Brayton & Purcell	1870
Nobles, Curtis	Brayton & Purcell	6851
Passanante, Joseph A	Brayton & Purcell	0666
Rehlmeyer, Robert	Brayton & Purcell	9794
Spaulding, Robert (dec.)	Brayton & Purcell	0896



LAW OFFICES OF

BRAYTON ♦ PURCELL LLP

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MEMORANDUM

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TO: OPN

FROM: DVD

DATE: December 4, 2006

RE: EVAL MSJ Sparks 104392.001 v. BUFPUM and WARPUM due 12/29

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\*\*\*\*NOTE, WARPUM did not attach all facts rogs (although they did serve them way back in 2005), so we have an automatic burden argument there.

PI:PD case

Defendants: pump manufacturers.

**RECOMMENDATION:** This is frustrating, as a Machinists Mate these defendant's should have been easy pickings for this guy, he probably worked with at least one of their pumps a week for a period of over 10 years, but he didn't testify that way.

As to BUFPUM: Probably DWOP, would have a shot at reentrainment, but it would likely lose, *please advise if oppose*: re shorter term reentrainment v. client ID of pump. Also, we may want to try negligent specification and design, although discovery responses make no mention of this as a theory we are pursuing.

As to WARPUM: Oppose on Burden only or DWOP. This guy testified up and down that he didn't know the maintenance history of any of the WARPUM that he worked on or any of the component parts, they even asked him about QUIMBP, too bad (for them) that they failed to include all facts discovery.

**DEPOSITION:** Lots of testimony

As to BUFPUM: Direct ID on board the MERRICK, COLAHAN and generally while working as a Machinist Mate. Testified that he did not know the maintenance history of the pumps, thereby shifting the burden to us to establish OEM.

As to WARPUM: Very limited ID, testified that all WARPUM/QUIMBP he worked with were ambient temperature. Testified that he didn't know the maintenance history of the pumps or any of the associated components. Ambient temperature doesn't matter, Fening has foundation to say that those gaskets contained asbestos (he worked with them). The maintenance history is a killer and forces us into a reentrainment/contemporaneous exposure analysis.

**PID:** Lots of hits.

**Per P:** COLAHAN, install 1944, P on board 9/20/62-9/18/64, original packing out 1952, a 10+ year reentrainment; and MERRICK, install 1945, P on board 3/29/57-3/3/61, original packing out 1953, a 4+ year reentrainment.

**Per Natarc:** We have a shot at simultaneous exposures on the CONSTELLATION, GRIDLEY, HMAS PERTH, HOEL KITTY HAWK, and TOWERS. This will all depend upon the specific testimony for each ship.

GRIDLEY: NO ID to work on pumps, no specific years provided.

HMAS PERTH: NO ID to work on pumps, specific year provided, new construction of ship = no pump asb. releases.

HOEL: NO ID to work on pumps, no specific years provided.

KITTY HAWK: Never asked re pump work or year worked aboard. Ship was overhauled 1965 at PSNSY, Came into LBNSY (where P worked) 2 years later for alterations, unlikely that any of the pumps had OEM materials at that time.

CONSTELLATION: Positive ID of pump work, no info re: year worked. No info in DANFS about repair yards. Per Ship list in WP file, overhaul at PSNSY in 1964, came into LBNSY in early 1970s. No shot at OEM given those facts.

BON HOMME RICHARD, install 1944, P on board approx 1964-1974, Too long

BENNER, install 1945, P on board approx 1964-1974, too long

CANBERRA, install 1943, P on board approx 1964-1974, too long

CHICAGO, install 1945, P on board approx 1964-1974, too long

CONSTELLATION, install 1961, P on board approx 1964-1974, we have a shot

DEHAVEN, install 1944, P on board approx 1964-1974, too long

GRIDLEY, install 1963, P on board approx 1964-1974, we have a shot

HENDERSON, install 1945, P on board approx 1964-1974, too long

HIGBEE, install 1945, P on board approx 1964-1974, too long

HMAS PERTH, install 1963, P on board approx 1964-1974, we have a shot

HOEL, install 1962, P on board approx 1964-1974, we have a shot

HORNET, install 1943, P on board approx 1964-1974, too long

MIDWAY, install 1945, P on board approx 1964-1974, too long

MISSOURI, install 1944, P on board approx 1964-1974, too long

KITTY HAWK, install 1961, P on board approx 1964-1974, we have a shot

KLONDIKE, install 1945, P on board approx 1964-1974, too long

ORISKANY, install 1950, P on board approx 1964-1974, reentrainment?

NEW JERSEY, install 1943, P on board approx 1964-1974, too long

SAINT PAUL, install 1945, P on board approx 1964-1974, too long

TICONDEROGA, install 1944, P on board approx 1964-1974, too long

TOWERS, install 1961, P on board approx 1964-1974, we have a shot

YORKTOWN, install 1943, P on board approx 1964-1974, too long

As to WARPUM: No ship specific ID by P.

**Per Natarc:**

BENNER, install 1945, P on board approx 1964-1974, too long

BENNINGTON, install 1944, P on board approx 1964-1974, too long

BON HOMME RICHARD, install 1944, P on board approx 1964-1974, too long

CANBERRA, install 1943, P on board approx 1964-1974, too long

CHICAGO, install 1945, P on board approx 1964-1974, too long

COLAHAN, install 1944, P on board 9/20/62-9/18/64, original packing out 1952,  
a 10+ year reentrainment

CONSTELLATION, install 1961, P on board approx 1964-1974, we have a shot

CORAL SEA, install 1947, P on board approx 1964-1974, too long

DEHAVEN, install 1944, P on board approx 1964-1974, too long

GRIDLEY, install 1963, P on board approx 1964-1974, we have a shot

HENDERSON, install 1945, P on board approx 1964-1974, too long

HIGBEE, install 1945, P on board approx 1964-1974, too long

HMAS PERTH, install 1963, P on board approx 1964-1974, we have a shot

HOEL, install 1962, P on board approx 1964-1974, we have a shot

HOLLISTER, install 1946, P on board approx 1964-1974, too long

HORNET, install 1943, P on board approx 1964-1974, too long

KEARSARGE, install 1946, P on board approx 1964-1974, too long

KITTY HAWK, install 1961, P on board approx 1964-1974, we have a shot

KLONDIKE, install 1945, P on board approx 1964-1974, too long

LOS ANGELES, install 1945, P on board approx 1964-1974, too long

MIDWAY, install 1945, P on board approx 1964-1974, too long

MISSOURI, install 1944, P on board approx 1964-1974, too long

NEW JERSEY, install 1943, P on board approx 1964-1974, too long

OKLAHOMA CITY, install 1944, P on board approx 1964-1974, too long

ORISKANY, install 1950, P on board approx 1964-1974, reentrainment?

PRINCETON, install 1945, P on board approx 1964-1974, too long

SAINT PAUL, install 1945, P on board approx 1964-1974, too long

TICONDEROGA, install 1944, P on board approx 1964-1974, too long

TOPEKA, install 1944, P on board approx 1964-1974, too long

TOWERS, install 1961, P on board approx 1964-1974, we have a shot

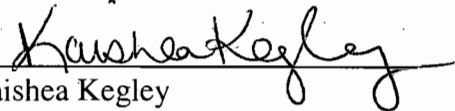
VALLEY FORGE, install 1946, P on board approx 1964-1974, too long

YORKTOWN, install 1943, P on board approx 1964-1974, too long

**INVESTIGATIONS:** No work up.

**CERTIFICATE OF SERVICE**

I, Kaishea Kegley, do hereby certify that on this 5th day of December, 2006, I caused a true and correct copy of the foregoing Notice of Withdrawal of Objection Of Brayton❖Purcell LLP To Notification That The Debtor Is Contesting Certain Pre-Petition Settled Claims Filed by Brayton❖Purcell LLP. to be served via first class U.S. Mail, postage prepaid on the parties designated on the attached service list.

  
Kaishea Kegley

Pachulski Stang Ziehl Young & Jones  
Attn: Laura Davis Jones  
919 North Market Street, 16<sup>th</sup> Floor  
Wilmington, DE 19899-8705

Duane Morris LLP  
Attn: Michael R. Lastowski  
1100 North Market Street, Suite 1200  
Wilmington, DE 19801-1246

Pachulski Stang Ziehl Young & Jones  
Attn: Paula Ann Galbraith  
919 North Market Street, 16<sup>th</sup> Floor  
Wilmington, DE 19899-8705

Reed Smith LLP  
Attn: Richard Allen Keuler, Jr.  
1201 Market Street, Suite 1500  
Wilmington, DE 19801

Janssen Keenan & Ciardi PC  
Attn: Rosalie L. Spelman  
901 Market Street, Suite 460  
Wilmington, DE 19801

Pachulski Stang Ziehl Young & Jones PC  
Attn: Scotta Edelen McFarland  
10100 Santa Monica Blvd., 11<sup>th</sup> Floor  
Los Angeles, CA 90267

Greenberg Traurig, LP  
Attn: William E. Chipman, Jr.  
1000 West Street, Suite 1540  
Wilmington, DE 19801

Office of the US Trustee  
Attn: Frank J. Perch III  
844 King Street, Suite 2207, Lock Box 35  
Wilmington, DE 19801

Sean Allen, President  
BMC GROUP  
720 Third Avenue, 23<sup>rd</sup> Floor  
Seattle, WA 98104